

Performance Outcome 2. 17.

Apply knowledge of the law relating to fraud.

Training Objectives Relating to 2. 17.

A. Given a written exercise, identify the elements and crime classifications of fraud.

Criteria: The trainee shall be tested on the following:

2.17.1. Define fraud and elements of the crime.

2.17.2. Department of Motor Vehicles Fraud § 46.2-105.2

Lesson Plan Guide: The lesson plan shall include the following:

1. Define fraud and elements of the crime with Code citations, §18.2-186.
2. Department of Motor Vehicles Fraud §46.2-105.2

Performance Outcome 2. 18.

Apply knowledge of the law relating to a weapons/firearm offenses.

Training Objectives Relating to 2. 18.

- A. Given a written exercise, identify the elements and crime classifications relating to weapons/firearms offenses.

Criteria: The trainee shall be tested on the following:

- 2.18.1. Define weapons/firearms offenses and elements of the crimes.
 - 2.18.1.1. Concealed weapons
 - 2.18.1.2. Sawed-off shotguns
 - 2.18.1.3. Possession of firearm by convicted felon
 - 2.18.1.4. Possession of firearm coincident with Schedule I or II drug offense
 - 2.18.1.5. Possession of firearm during commission of a felony
 - 2.18.1.6. Possession of a firearm while under a protective order

Lesson Plan Guide: The lesson plan shall include the following:

1. Define weapons/firearms offenses and elements of the crimes with Code citations,
 - a. Concealed weapons, §18.2-308
 - b. Sawed-off shotguns, §18.2-299 to 18.2-307
 - c. Possession of firearm by convicted felon, §18.2-308.2; (18 USC 921)(a)(30)
 - d. Possession of firearm coincident with Schedule I or II drug offense, §18.2-308.4
 - e. Possession of firearm during commission of a felony, §18.2-53.1
 - f. Possession of a firearm while under a protective order, §18.2-308.1:4
 - g. Possession of a machete (§18.2-308) or brandishing a machete (§18.2-282.1)
2. Identify the legal basis that allows retired officers in good standing to carry a weapon anywhere in the United States and the procedure for identifying oneself as a retired officer.

Performance Outcome 2. 30.

Apply knowledge of law to obtain information from a suspect conforming to constitutional requirements.

Training Objectives Related to 2. 30.

- A. Given a written or practical exercise, identify constitutional requirements to obtain information from a suspect.

Criteria: The trainee shall be tested on the following:

- 2.30.1. Identify constitutional issues related to detention and questioning of a suspect vs. a non-suspect.
- 2.30.2. Identify the relevant cases regarding suspect interrogation:
 - 2.30.2.1. Malloy v. Hogan, 378 U.S. 1 (1964)
 - 2.30.2.2. Miranda v. Arizona, 384 U.S. 436 (1966)
 - 2.30.2.3. Massiah v. United States, 377 U.S. 201 (1964)
- 2.30.3. Identify the two conditions which together trigger the necessity for Miranda warnings.
- 2.30.4. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
- 2.30.5. Identify the conditions by which a confession will be judged to be admissible.

Lesson Plan Guide: The lesson plan shall include the following:

1. The rights of an arrested person as guaranteed by the U. S. Constitution.
2. Identify constitutional issues related to detention and questioning of a suspect vs. a non-suspect.
3. Identify the relevant cases regarding suspect interrogation:
 - a. Malloy v. Hogan, 378 U.S. 1 (1964)
 - b. Miranda v. Arizona, 384 U.S. 436 (1966)
 - c. Massiah v. United States, 377 U.S. 201 (1964)
 - d. Ford v. Commonwealth, 503 S.E.2d 803, 28 Va. App 249, (1998)
 - e. Novak v. Commonwealth, 457 S.E. 2d 402, 20 Va. App.373, (1995)
 - f. Wass v. Commonwealth, 359 S.E. 2d 836, 5 Va. App. 27, (1987)
 - g. Lanier v. Commonwealth, 394 S.E. 2d 495, 10 Va. App. 541, (1990)
4. Identify the two conditions which together trigger the necessity for Miranda warnings:
 - a. in custody **AND**
 - b. police interrogation.
5. Identify use of consent forms and waiver forms
6. Explain the difference between an exculpatory and inculpatory statement and the necessity for documenting both.
7. Identify the conditions by which a confession will be judged to be admissible.
8. Identify the constitutional basis for the Miranda warning and read the warning
 - a. Identify the point at which the suspect should be advised of constitutional rights.
 - b. Read the complete Miranda warning.
9. Identify the consequences for a person who gives a false identity to a law enforcement officer after having been lawfully detained and requested to identify himself, §19.2-82.1.

Performance Outcome 2. 34.

Seize contraband, weapons, or stolen property from a suspect.

Training Objectives Relating to 2. 34.

Given a written exercise:

- A. Identify the legal requirements relating to seizure of contraband, weapons, or stolen property from suspects.
- B. Identify items subject to asset forfeiture laws.

Criteria: The trainee shall be tested on the following:

- 2.34.1. Elements of the seizure of property.
- 2.34.2. Items subject to asset forfeiture laws.

Lesson Plan Guide: The lesson plan shall include:

1. Identifying the elements of the seizure of property. (Code of Virginia §19.2-53)
 - a. Probable cause to believe the property is fruits of a crime, contraband, or evidence
 - b. Instrumentality (weapons, other items)
2. Identify items subject to asset forfeiture laws.
 - a. Situations where assets may be seized
 - (1). Autos used to transport more than \$200 of stolen goods §19.2-386.16
 - (2). Autos used to transport illegal alcohol
 - (3). Anything used in substantial connection with manufacture, sale, or distribution of illegal drugs
 - (4). Anything traded or exchanged for illegal drugs

Instructor Note: Advise trainees that they will need to identify the department procedure to contact Commonwealth's Attorney so that necessary paperwork related to seizing assets may be initiated. (Department training)

Performance Outcome 2. 37.

Identify the circumstances under which a suspect is fingerprinted.

Training Objectives Relating to 2. 37.

Given a written exercise:

- A. Identify the circumstances under which a suspect shall be fingerprinted.
- B. Identify requirements related to fingerprinting juveniles.

Criteria: The trainee shall be tested on the following:

- 2.37.1. The circumstances under which a suspect should be fingerprinted
 - 2.37.1.1. Charged with a felony
 - 2.37.1.2. Charged with a class I or class II misdemeanor
 - 2.37.1.3. Convicted of the above
- 2.37.2. The statutory requirements related to fingerprinting juveniles
 - 2.37.2.1. Age
 - 2.37.2.2. Type of crime
 - 2.37.2.3. Suspect in certain types of crimes
 - 2.37.2.4. Maintain juvenile fingerprint records separately from adult records
 - 2.37.2.5. Destruction of juvenile fingerprint records

Lesson Plan Guide: The lesson plan shall include the following:

1. The circumstances under which a suspect shall be fingerprinted (§19.2 - 390)
 - a. Charged with a felony
 - b. Charged with a class I or class II misdemeanor - release on summons after arrest unless charged with 18.2-266 Driving Under the Influence
 - c. Convicted of a class I or class II misdemeanor (§19.2-74)
 - d. Effective January 1, 2006, a photograph of the arrestee must accompany fingerprints submitted to the Central Criminal Records Exchange.
2. The requirements related to fingerprinting juveniles §16.1-299
 - a. Age
 - b. Type of crime
 - c. Suspect in certain types of crimes
 - d. Maintain juvenile fingerprint records separately from adult records
 - e. Destruction of juvenile fingerprint records

Performance Outcome 2. 40.

Arrest persons without a warrant.

Training Objectives Relating to 2. 40.

- A. Given a written exercise, identify constitutional and statutory requirements to arrest a person without a warrant.

Criteria: The trainee shall be tested on the following:

- 2.40.1. Identify the requirement for warrantless felony arrest under §19.2-81.
- 2.40.2. Identify the general requirement for a warrantless misdemeanor arrest.
- 2.40.3. Given narrative examples of arrest situations, determine if the warrantless arrest is legal (include as one situation an officer observing a crime while off duty and in plain clothes).
- 2.40.4. Identify three situations whereby an officer may make a warrantless arrest according to the Code of Virginia.
- 2.40.5. Identify when a police officer may enter a private dwelling in order to make a warrantless arrest.
- 2.40.6. Identify the requirement of an officer to show his badge when not in uniform and attempting to make an arrest.

Lesson Plan Guide: The lesson plan shall include the following:

Code of Virginia, §19.2-81 to 19.2-83.1

1. Identify the requirement for warrantless felony arrest under §19.2-81.
2. Identify the general requirement for a warrantless misdemeanor arrest.
3. Define probable cause for arrest.
4. Given narrative examples of arrest situations, determine if the warrantless arrest is legal (include as one situation an officer observing a crime while off duty and in plain clothes).
5. Identify the situations whereby an officer may make a warrantless arrest according to the Code of Virginia:
 - a. crime committed in presence (§19.2 - 81)
 - b. at the scene of an accident
 - c. upon information that the individual is wanted in another jurisdiction through electronic messages (fax, teletype and radio messages)
 - d. a shoplifting offense
 - e. assault and battery
 - f. escapee from a mental institution
 - g. a probation or parole violation, etc.
 - h. concealed weapon in school
 - i. vandalism to commercial property
 - j. taking into custody a person detained by a citizen
 - k. traffic misdemeanor arrest (§19.2-82)
6. Identify when a police officer may enter a private dwelling in order to make a warrantless arrest:
 - a. exigent circumstances
 - b. consent
 - c. hot pursuit
7. Identify the Virginia State Code sections pertaining to warrantless arrests:
 - a. Escape, flight and pursuit, arrest anywhere in Commonwealth (§19.2-77)
 - b. Arrest by officers of other states in close pursuit (§19.2-78)
 - c. Arrest without warrant authorized in certain cases (§19.2-81)
 - d. Procedure for arrest without warrant (§19.2-82)
8. Identify the requirement for an officer to show his badge when not in uniform and attempting to make an arrest. (§19.2 - 81)
Foote v. Commonwealth, 11 Va App 61, 396 SE2d 851 (1990)

Instructor Note: Advise trainees that they will need to identify department policy for self-identification as a law enforcement officer.

Performance Outcome 4. 15.

Conduct a preliminary investigation of controlled substances offenses, and follow-up investigation when assigned.

Training Objective Related to 4. 15.

- A. Given a written exercise, identify factors to consider related to investigation of controlled substances.

Criteria: The trainee shall be tested on the following:

- 4.15.1. Characteristics of commonly abused controlled and non-controlled substances
 - 4.15.1.1. Marijuana
 - 4.15.1.2. Hallucinogens
 - 4.15.1.3. Barbiturates/amphetamines
 - 4.15.1.4. Opiates
 - 4.15.1.5. Inhalants
 - 4.15.1.6. Abused prescriptions
- 4.15.2. Common street packaging of controlled substances for illegal sale
 - 4.15.2.1. Marijuana
 - 4.15.2.2. Hallucinogens
 - 4.15.2.3. Barbiturates/amphetamines
 - 4.15.2.4. Opiates
 - 4.15.2.5. Inhalant
 - 4.15.2.6. Abused prescriptions
- 4.15.3. Identification of various forms of drug paraphernalia
- 4.15.4. Identification of the factors to consider in a controlled substances investigation, arrest, and prosecution.

Lesson Plan Guide: The lesson plan shall include the following:

1. Characteristics of commonly abused controlled and non-controlled substances
 - a. Marijuana
 - b. Hallucinogens
 - c. Barbiturates/amphetamines
 - d. Opiates
 - e. Inhalants
 - f. Abused prescriptions
2. Common street packaging of controlled substances for illegal sale
 - a. Marijuana -- 1/4 oz. or 1/2 oz., ounces to pounds usually plastic baggies; kilos can be plastic to paper, usually wrapped with duct tape
 - b. Powder Cocaine -- grams, 8-balls, quarter oz., half oz., corners cut from baggies to whole baggies for larger amounts
 - c. Heroin -- tin foil packages for small amounts; also small zip lock bags to whole baggies for larger amounts; Richmond glassine paper
 - d. PCP (phencyclidine) -- tin foil for small amounts; vanilla extract bottles for liquid; large amounts -- baggies to mason jars
 - e. Methamphetamine -- sold in similar containers as cocaine
 - f. Crack Cocaine -- sold in similar containers as powder
 - g. GHBs, Extacy -- usually sold in capsules
 - h. Mushrooms -- baggies
 - i. LSD -- paper (usually blotter type)
 - j. Pills -- no set packaging
 - k. Hash oil -- small jars (usually amber in color)

Note: Most street sales will use the small baggies -- usually corners cut from a sandwich baggie and a twisty to close it. There are other indicators: people hanging on corners, vehicles stopping for a short time, hand signals, etc. Usually an officer won't see an exchange of the dope because the amounts are small and can be palmed. They will probably see money come back, but not always. Keep in mind that the training and experience of the officer is what the court looks at in its decisions. New officers should realize that basic training is an introduction to investigation of controlled substances and plan on additional training as they gain experience.

3. Identification of various forms of drug paraphernalia
4. Identification of the factors to consider in a controlled substances investigation and prosecution.
 - a. Establishing probable cause for arrest
 - b. Evidence handling package (see Division of Forensic Science (DFS) "Evidence Handling Guide")
 - c. Evidence preservation
 - d. Evidence submission (to forensic lab)
 - e. Suitability of field test use

- f. Filing of search warrant
 - g. Suspect history/prior record
 - h. Suspect/witness relationship
 - i. Obtain lab analysis report information and file lab report with clerk of the court at least 7 days prior to trial.
 - j. Prepare for grand jury or court presentation
 - k. Prepare for pre-trial conference (with commonwealth's attorney)
 - l. Prepare seizure reports (money, vehicles, guns, etc.)
 - m. Dispose of drugs (court order)
 - n. Check with informants/concerned citizens
 - o. Testimony regarding field tests related to controlled substances (§19.2-188.1)
5. Identify the hazards involved in dealing with a clandestine lab and describe the safety precautions which an officer should take under these circumstances.

Performance Outcome 4. 40.

Conduct a traffic stop resulting in an enforcement action.

Training Objective Related to 4. 40.

A. Given a practical exercise, conduct a traffic stop resulting in an enforcement action.

Criteria: The trainee shall be tested on the following:

- 4.40.1. Follow suspect vehicle to observe traffic violations conforming to constitutional requirements and accepted motor vehicle safety rules
 - 4.40.1.1. Identify traffic offenses that would support a stop
 - a. Identify location and traffic flow requirements
 - b. Select position that provides best observation and access point
 - c. Identify possible violations in a traffic flow
 - d. Identify time of day
 - e. Identify actions to take
 - f. Identify any hazards that would hinder or prevent any officer from enforcing traffic laws
 - g. Definition of a pretext stop
 - 4.40.1.2. Identify situations in which there is no basis for a stop
 - a. Bias based stop
 - b. Inappropriately stopping a motorist because of:
 - (1). Race
 - (2). Color
 - (3). Religion
 - (4). Sex
 - (5). National origin
 - (6). Disability
 - c. Inappropriate uses of a pretext stop
- 4.40.2. Identify procedures for initiating a traffic stop and execute a stop
 - a. Communications
 - b. Location
 - c. Traffic hazards
 - d. Patrol car position and use of equipment
 - e. Safe approach to stopped vehicle observing for suspicious actions by occupants
 - (1). Officer/public safety concerns
 - (2). Criminal activity signs
 - (a). location

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- (b). actions
 - (c). odors
 - (d). time of day
 - (e). plain view
 - (3). Evaluate activity and determine if and what type of additional law enforcement response is needed
 - (4). Identify if any probable cause would allow the officer to conduct a search of any part or all of the vehicle
- 4.40.3. Identify the steps of initial officer/violator contact
- a. Professional demeanor
 - b. Ask for driver's license and vehicle registration/explain reason for the stop
 - c. Provide instructions to driver and occupants to remain until you return
- 4.40.4. Identify the steps of determining appropriate enforcement action
- a. Observe a license for defects that suggest tampering
 - b. Verify the validity of the license with communications to determine if it is currently valid, suspended, or revoked
 - (1). Check for legal presence in the United States
 - (2). Look for a "9" in the restriction field
 - (3). Check wording on the reverse side that says "9: Limited Duration (see expiration date on front)
 - (4). Any driver whose license shows a violation of legal presence shall be treated as driving without a valid license. These individuals will have to show proof of legal presence again to DMV to obtain another license or ID card.
 - c. Check VCIN, NCIC, DMV
 - d. Evaluate facts of the situation to determine if verbal warning or summons is appropriate
 - (1). Nature of Offense
 - (2). Explanation for action
 - (3). Traffic conditions
 - (4). Roadway conditions
 - (5). Weather
 - (6). Time of day
 - (7). Based on actions, not attitude
 - (8). Unusual circumstances
 - (a). Diplomat
 - (b). Legislator
 - (c). Foreign nationals
- 4.40.5. Safely approach vehicle to return license and registration and give warning
- a. Articulate possible dangers/consequences of violation
 - b. Articulate police concern for safety of motorists
- 4.40.6. Complete and safely approach vehicle to deliver a Virginia Uniform Traffic Summons
- a. Complete all information prompts on summons
 - b. Select correct Virginia Code section

- c. Fully explain the summons to the violator
 - (1). Reason for the summons (charge) according to state motor vehicle code
 - (2). Signature is a promise to appear or pay fine before the court date
 - (3). Signature is not an admission of guilt
 - (4). Procedure for pleading guilty and paying fine
 - (5). Procedure for court appearance
 - d. Obtain signature/explain consequences of failure to sign
 - e. Issue the appropriate copy to the violator
- 4.40.7. Identify items to document in field notes pertaining to a traffic stop
- a. Description of the violation
 - b. Conditions related to the violation
 - c. Violator actions
 - d. Enforcement action
 - e. Description of any equipment or procedures used in the action.

Lesson Plan Guide: The lesson plan shall include the following:

1. Follow suspect vehicle to observe traffic violations conforming to constitutional requirements and accepted motor vehicle safety rules
 - a. Identify traffic offenses that would support a stop
 - (1). Identify location and traffic flow requirements
 - (2). Select position that provides best observation and access point
 - (3). Identify possible violations in a traffic flow
 - (4). Identify time of day
 - (5). Identify actions to take
 - (6). Identify any hazards that would hinder or prevent any officer from enforcing traffic laws
 - (7). Definition of a pretext stop: Use of any violation of law, no matter how trivial, as a basis for stopping a motorist for the purpose of further some other legitimate law enforcement function.

Example: Law enforcement receives a tip that a certain vehicle is transporting three kilos of cocaine. Because the information is unsubstantiated, an officer cannot make a stop based on it, but the officer can stop the vehicle for going 26 MPH in a 25 MPH zone.

- b. Identify situations in which there is no basis for a stop
 - a. Bias based stop
 - b. Inappropriately stopping a motorist because of:
 - (1). Race
 - (2). Color
 - (3). Religion
 - (4). Sex
 - (5). National origin
 - (6). Disability
 - c. Inappropriate uses of a pretext stop – Stopping a vehicle using a 26 MPH in a 25 MPH zone not to engage in further a legitimate law enforcement function or having a purpose such as provoking someone or to provide cover for bias based policing.
2. Identify procedures for initiating a traffic stop and execute a stop
 - a. Communications
 - b. Location
 - c. Traffic hazards
 - d. Patrol car position and use of equipment
 - e. Safe approach to stopped vehicle observing for suspicious actions by occupants
 - (1). Officer/public safety concerns
 - (2). Criminal activity signs
 - (a). location

- (b). actions
 - (c). odors
 - (d). time of day
 - (e). plain view
 - (3). Evaluate activity and determine if and what type of additional law enforcement response is needed
 - (4). Identify if any probable cause would allow the officer to conduct a search of any part or all of the vehicle
3. Identify the steps of initial officer/violator contact
- a. Professional demeanor/courteous communication skills
 - b. Ask for driver's license and vehicle registration/explain reason for the stop.
 - c. Provide instructions to driver and occupants to remain until you return
4. Identify the steps of determining appropriate enforcement action
- a. Observe a license for defects that suggest tampering
 - b. Verify the validity of the license with communications to determine if it is currently valid, suspended, or revoked
 - (1). Check for legal presence in the United States
 - (2). Look for a "9" in the restriction field
 - (3). Check wording on the reverse side that says "9: Limited Duration (see expiration date on front)
 - (4). Any driver whose license shows a violation of legal presence shall be treated as driving without a valid license. These individuals will have to show proof of legal presence again to DMV to obtain another license or ID card.
 - c. Check VCIN, NCIC, DMV
 - d. Evaluate facts of the situation to determine if verbal warning or summons is appropriate
 - (1). Nature of Offense
 - (2). Explanation for action
 - (3). Traffic conditions
 - (4). Roadway conditions
 - (5). Weather
 - (6). Time of day
 - (7). Based on actions, not attitude
 - (8). Unusual circumstances
 - (a). Diplomat
 - (b). Legislator
 - (c). Foreign nationals
5. Safely approach vehicle to return license and registration and give warning
- a. Articulate possible dangers/consequences of violation
 - b. Articulate police concern for safety of motorists
 - c. Courteously disengage from the stop if no further action is needed.

6. Complete and safely approach vehicle to deliver a Virginia Uniform Traffic Summons
 - a. Complete all information prompts on summons
 - b. Select correct Virginia Code section
 - c. Fully explain the summons to the violator
 - (1). Reason for the summons (charge) according to state motor vehicle code
 - (2). Signature is a promise to appear or pay fine before the court date
 - (3). Signature is not an admission of guilt
 - (4). Procedure for pleading guilty and paying fine
 - (5). Procedure for court appearance
 - d. Obtain signature/explain consequences of failure to sign
 - h. Issue the appropriate copy to the violator
 - i. Courteously disengage from the stop.
7. Identify items to document in field notes pertaining to a traffic stop
 - a. Description of the violation
 - b. Conditions related to the violation
 - c. Violator actions
 - d. Enforcement action
 - e. Description of any equipment or procedures used in the action.

Performance Outcome 4. 45.

Identify and enforce traffic laws.

Training Objectives Related to 4. 45.

- A. Given a written exercise, identify Code of Virginia authority to enforce motor vehicle laws and the elements of the motor vehicle offenses noted in criteria.

Criteria: The trainee shall be tested on the following:

- 4.45.1. Identify the authority to enforce Code of Virginia motor vehicle laws
- 4.45.2. Identify the elements of the following motor vehicle offenses
 - a. speed limits
 - b. child safety seats
 - c. reckless driving
 - d. involuntary manslaughter
 - e. habitual offender
 - f. driver/passenger seat belt usage/equipment violations
 - g. registration
 - h. licenses
 - i. proof of insurance for any type of vehicle

Lesson Plan Guide: The lesson plan shall include the following:

1. Identify the authority to enforce Code of Virginia motor vehicle laws
2. Identify the elements of the following motor vehicle offenses
 - a. speed limits
 - b. child safety seats
 - c. reckless driving (§46.2-862 Code of Virginia has changed this definition to 20 mph in excess of applicable maximum speed limit or in excess of 80 mph regardless of applicable maximum speed limit)
 - d. involuntary manslaughter
 - e. habitual offender
 - f. driver/passenger seat belt usage/equipment violations
 - g. registration
 - h. licenses (46.2-221.2 Code of Virginia has changed this definition related to members of the armed services and diplomatic services of the United States).
 - i. proof of insurance for any type of vehicle
3. Identify the offenses covered by the Motor Vehicle Code § 46.2
4. Identify the responsibility of officers to clarify by discussing with a supervisor any uncertainty regarding motor vehicle infractions.

Performance Outcome 4. 46.

Respond to and conduct preliminary or follow-up investigation of Driving Under the Influence -- Intoxicants/ Drugs.

Training Objectives Related to 4. 46.

- A. Given a written exercise, identify the elements of Driving Under the Influence (DUI) related statutes of the Code of Virginia and the procedures for obtaining a blood test.
- B. Given a practical exercise, conduct investigation of events related to Driving Under the Influence - intoxicants/drugs.

Criteria: The trainee shall be tested on the following:

- 4.46.1. Definition of Driving Under the Influence - (intoxicants/drugs) and elements of the crimes with Code citations
- 4.46.2. Observation of operator behavior to evaluate capability to operate vehicle safely
- 4.46.3. Communication with dispatch
- 4.46.4. Initiation of traffic stop
- 4.46.5. Initial contact and observation for signs of impairment
- 4.46.6. Conduct field sobriety test
 - a. If driver agrees, administer preliminary breath test
 - b. If driver disagrees, evaluate for probable cause for a Driving Under the Influence arrest, if probable cause exists then arrest and advise of implied consent rights
 - c. If probable cause exists for a DUI arrest and the driver has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer may issue a summons for the violation while on the premises of the medical facility.
- 4.46.7. If unable to obtain breath sample and driver agrees, follow these procedures for obtaining a blood sample:
 - a. take to hospital or lab
 - b. have blood sample taken by certified medical personnel to include technician or nurse designated by the Circuit Court
 - c. blood vials to be packaged, handled and submitted in accordance with the Division of Forensic Science "Breath Alcohol Rules and Regulations."
- 4.46.7.1. If breath test administered indicates an alcohol level of .08 or greater, complete documentation for administrative license suspension.

- 4.46.7.2. If breath test administered indicates an alcohol level of .02 or greater on a restricted license, charge the person with driving after forfeiture or DUI conviction. (§18.2-267)
- 4.46.8. If driver has been arrested and refuses the breath or blood test
- a. Advise of implied consent rights
 - b. Arresting officer shall advise DUI arrestee from a form provided by the Office of the Executive Secretary of the Supreme Court and that the arresting officer shall acknowledge on such form that he has read the form to the arrestee.
 - c. Complete documentation for administrative license suspension.
 - d. Take the arrestee to the magistrate and obtain warrant. Give the magistrate the executed advisement form to attach to the warrant or summons.
- 4.46.9. Prepare field notes for prosecution for Driving Under the Influence (DUID) case and submit a copy to the forensic laboratory.

Lesson Plan Guide: The lesson plan shall include the following:

1. Definition of DWI - (intoxicants/drugs) and elements of the crimes with Code citations § 18.2-271, § 18.2-266, § 18.2-267, § 18.2-269, § 46.2-301, § 46.2-341-3 thru 46.2-341-32, § 46.2-390.1, § 46.2-391.
2. Observation of operator behavior to evaluate capability to operate vehicle safely
 - a. Swerving for no apparent reason
 - b. Head nodding to possibly indicate sleepiness
 - c. Approaching other cars too closely
 - d. Running off road on to shoulder of road
 - e. Driving too slowly
 - f. Others as may be identified
3. Communication with dispatch
4. Initiation of traffic stop
5. Initial contact and observation for signs of impairment
6. Identify methods for preliminary breath testing of blood alcohol content and procedures to follow for each method for accurate results
7. Conduct field sobriety test
 - a. If driver agrees, administer preliminary breath test to test blood alcohol content
 - b. If driver disagrees, evaluate for probable cause for a Driving Under the Influence arrest, if probable cause exists then arrest and advise of implied consent rights
 - c. If probable cause exists for a DUI arrest and the driver has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer may issue a summons for the violation while on the premises of the medical facility.
8. If driver disagrees, evaluate for probable cause for a DUI arrest, if probable cause exists then arrest and advise of implied consent rights
9. If unable to obtain breath sample and driver agrees, follow these procedures for obtaining a blood sample:
 - a. Take to hospital or lab
 - b. Have blood sample taken by certified medical personnel to include technician or nurse designated by the Circuit Court.
 - c. Blood vials to be packaged, handled and submitted in accordance with the Division of Forensic Science "Breath Alcohol Rules and Regulations"
 - d. If breath test administered indicates an alcohol level of .08 or greater, complete documentation for administrative license suspension. If breath test administered indicates an alcohol level of .02 or greater on a restricted license, charge the person with driving after forfeiture or DUI conviction. (section 18.2-267 – check these with SB 329)
10. If driver has been arrested and refuses the breath or blood test
 - a. Advise of implied consent rights
 - b. Arresting officer shall advise DUI arrestee from a form provided by the Office of the Executive Secretary of the Supreme Court and that the arresting officer shall acknowledge on such form that he has read the form to the arrestee.
 - c. Complete documentation for administrative license suspension.
 - d. Take the arrestee to the magistrate and obtain warrant. Give the magistrate the executed advisement form to attach to the warrant or summons.

- e. If the driver has been taken to a medical facility for treatment or evaluation of his medical condition and refuses to take a blood or breath test, the arresting officer may issue a summons for the violation while on the premises of the facility.
- 11. Prepare field notes for prosecution (for DUID case submit a copy to the forensic laboratory)
 - a. Precise reason for stop
 - b. Weather and road conditions
 - c. Suspect's physical appearance and demeanor
 - d. Suspect's performance of field sobriety test (if done)
 - e. Exact times of all pertinent events (stop, arrest, test)
- 12. Receive instruction on a standardized field sobriety test.